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OCT 28 2009

GAMBLING COMMISSION
COMM & LEGAL DEPT

STATE OF WASHINGTON
GAMBLING COMMISSION

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OCT 16 2009

GAMBLING COMMISSION
COMM & LEGAL DIVISION

In the Matter of the Suspension or)
Revocation of the Licenses to Conduct)
Gambling Activities of:)
)
Henri's Restaurant & Bar,)
)
)
Licensee.)
_____)

NO. CR 2009-01196

SETTLEMENT ORDER

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OAH - Olympia

This Settlement Order is entered into between the Washington State Gambling Commission and Henri's Restaurant & Bar. The Gambling Commission is represented by H. Bruce Marvin, Assistant Attorney General, and Melinda Froud, Staff Attorney. Dae Lee, owner is representing the licensee.

I.

The Washington State Gambling Commission issued Henri's Restaurant & Bar the following licenses.

Number 65-07209, Authorizing Class "E3" Public Card Room Activity.
Number 05-20537, Authorizing Class "A" Punchboard/Pull-Tab Activity.

The licenses expire on March 31, 2010, and were issued subject to the licensee's compliance with state gambling laws, rules, and regulations.

II.

The Director issued a Notice of Administrative Charges and Opportunity for an Adjudicative Proceeding to Henri's Restaurant & Bar on September 17, 2009.

On September 24, 2009, Commission staff received Henri's Restaurant & Bar's Application for an Adjudicative Proceeding and Request for Hearing.

III.

The following facts and violations were alleged in the Notice of Administrative Charges:

- Henri's Restaurant & Bar failed to pay the required fees of \$2,094 in connection with exceeding their Punch Board/Pull-Tab license class for their license year ending in March 31, 2009.

- The licensee was licensed at Class “A” Punchboard/Pull-Tab Activity, which is able to have Annual Gross Gambling Receipts up to \$50,000.
- On May 7, 2009, a Commission Customer Service Specialist sent the licensee a letter, and Exceeding Class Notice, which reflected that the licensee had gross gambling receipts of \$108,690 for its license year ending March 31, 2009. The letter requested that the licensee pay the exceeding class fees within 30 days. The licensee received another notice on July 8, 2009. As of September 15, 2009, the licensee had not paid the exceeding class fee.
- As a result, the licensee was actually operating at Class “C” Punchboard/Pull-Tab Activity, which is able to have Annual Gross Gambling Receipts up to \$200,000.

Therefore, under RCW 9.46.075(1), WAC 230-06-130(1), and (2)(a), and (b), WAC 230-03-085(1), (3), and (7), grounds exist to suspend or revoke Henri’s Restaurant & Bar’s licenses.

RCW 9.46.075(1)

The Commission may deny an application, or suspend or revoke any license or permit issued by it, for any reason or reasons, it deems to be in the public interest. These reasons shall include, but not be limited to, cases wherein the applicant or licensee, or any person with any interest therein: (The following subsection applies.)

(1) Has violated, failed or refused to comply with the provisions, requirements, conditions, limitations or duties imposed by chapter 9.46 RCW and any amendments thereto, or any rules adopted by the Commission pursuant thereto, or when a violation of any provision of chapter 9.46 RCW, or any Commission rule, has occurred upon any premises occupied or operated by any such person or over which he or she has substantial control.

WAC 230-06-130(1), and (2)(a), and (b) Exceeding license class:
(The following subsection(s) apply.)

- (1) Licensees must not exceed the gross gambling receipts limits for their license class during any annual license period.
- (2) Licensees must apply a projection of year-to-date receipts to the remaining period of their license and, if it indicates that it is reasonably likely that they may exceed their license, they must immediately:
 - (a) Apply for a license that authorizes the anticipated level of gross gambling receipts; and
 - (b) Submit the fee required for the new license, minus the amount originally submitted for the previous license, plus a change of classification fee.

WAC 230-03-085(1), (3), and (7) Denying, suspending, or revoking an application, license or permit:

We may deny, suspend, or revoke any application, license or permit, when the applicant, licensee, or anyone holding a substantial interest in the applicant's or licensee's business or organization:

(The following subsection(s) apply.)

- (1) Commits any act that constitutes grounds for denying, suspending, or revoking licenses or permits under RCW 9.46.075;
- (3) Has demonstrated willful disregard for complying with ordinances, statutes, administrative rules, or court orders, whether at the local, state, or federal level;
- (7) Fails to provide us with any information required under Commission rules within the time required, or, if the rule establishes no time limit, within thirty days after receiving a written request from us.

IV.

The licensee has waived their right to a hearing, based on the terms and conditions of this Settlement Order. The licensee further agrees to the following sanctions:

- 1) Henri's Restaurant & Bar shall surrender its licenses. **The signed Settlement Order and licenses must be received by Commission staff on or before October 16, 2009,** and mailed to Commission Headquarters at the following address:

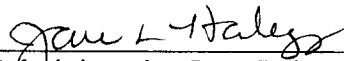
Washington State Gambling Commission
Attention: Communications and Legal Division
P.O. Box 42400
Olympia, WA 98504-2400

Or delivered (in person or via private courier) to the following address:

Washington State Gambling Commission
4565 7th Avenue SE; Fourth Floor
Attention: Communications and Legal Division Lacey, WA 98503

- 2) In the event **Henri's Restaurant & Bar** reapplies for a gambling license, it will be subject to all the Commission's investigative procedures for processing an application for a gambling license. Furthermore, no promises or assurances have been made that it will receive a license from the Commission should it reapply.

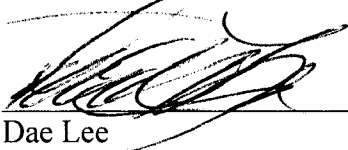
DATED this 23rd day of October, 2009.



Administrative Law Judge

APPROVED FOR ENTRY:

By his signature, the licensee
acknowledges reading the Settlement Order,
and understands the terms and conditions
contained in it.

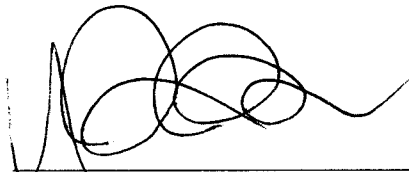


Dae Lee

Henri's Restaurant & Bar

10-16-09
(Date)

APPROVED AS TO FORM:



H. Bruce Marvin, WSBA# 25152
Assistant Attorney General,
Representing the Washington State
Gambling Commission



Melinda Froud, WSBA# 26792

Staff Attorney

Washington State Gambling Commission